

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

**FILED**

AUG 09 2016

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature] DEPUTY

UNITED STATES OF AMERICA

v.

ESTELA FAJARDO-BRICENO

§  
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§  
§  
§

CRIMINAL NO. W-16-CR-060

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE UNITED STATES DISTRICT JUDGE

The Magistrate Court submits this Report and Recommendation to the District Court pursuant to 28 U.S.C. § 636(b)(3). The United States District Court referred this case to the United States Magistrate Judge for the taking of the defendant's felony guilty plea and for her allocution pursuant to Federal Rule of Criminal Procedure 11.

On August 9, 2016, the defendant and counsel appeared before the Magistrate Court. The undersigned addressed the defendant personally in open court, informed her of the admonishments under Rule 11 of the Federal Rules of Criminal Procedure, and determined that she understood those admonishments. Pursuant to a plea agreement, the defendant entered a plea of guilty to a one-count indictment charging her with illegal reentry into the United States, in violation of 8 U.S.C. §§ 1326(a) and 6 U.S.C. §§ 202(3), 202(4) and 557.

**FINDINGS**

The Magistrate Judge finds the following:

1. The defendant, with the advice of her attorney, consented to enter this guilty plea before the Magistrate Judge, subject to final approval and sentencing by the District Judge;
2. The defendant fully understands the nature of the charges against her and possible penalties;
3. The defendant understands her constitutional and statutory rights, understands her constitutional and statutory rights can be waived, and understands the meaning and effect of waiving her constitutional and statutory rights;
4. The defendant understands the terms and conditions of her plea agreement, and knowingly waives her right to appeal and her rights under 28 U.S.C. § 2255;
5. The defendant is satisfied with her attorney and has no complaints regarding her representation;
6. The defendant's plea was made freely and voluntarily;
7. The defendant is competent to enter this guilty plea; and
8. There is a factual basis for this plea.

#### **RECOMMENDATION**

The Magistrate Court **RECOMMENDS** the District Court accept the guilty plea and, after reviewing the presentence investigation report, enter a Final Judgment of guilty against the defendant.

#### **WARNING**

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections

are being made. The District Court need not consider frivolous, conclusive, or general objections. See Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5<sup>th</sup> Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained within this Report within fourteen (14) days after being served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations and, except upon grounds of plain error, shall bar the party from appellate review of proposed factual findings and legal conclusions accepted by the District Court to which no objections were filed. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53, 106 S.Ct. 466, 472-74 (1985); Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428-29 (5<sup>th</sup> Cir. 1996) (en banc).

To the extent that a party has not been electronically served by the Clerk with this Report and Recommendation pursuant to the CM/ECF procedures of this District, the Clerk is directed to mail such a party a copy of this Report and Recommendation by certified mail, return receipt requested.

SIGNED this 9<sup>th</sup> day of August, 2016.

  
JEFFREY C. MANSKE  
UNITED STATES MAGISTRATE JUDGE